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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 09/434,565   | 11/12/1999  | MASAMI OGATA         | 450100-02184            | 4104             |
| 20999  | 7590        | 02/18/2004           | EXAMINER                |                  |
| FROMMERM LAWRENCE & HAUG<br>745 FIFTH AVENUE- 10TH FL.<br>NEW YORK, NY 10151 |             |                      | CHEN, WENPENG           |                  |
|  |             | ART UNIT             | PAPER NUMBER            |                  |
|  |             | 2624                 | DATE MAILED: 02/18/2004 |                  |

13

Please find below and/or attached an Office communication concerning this application or proceeding.



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Commissioner for Patents

The amendment filed on 12/9/2003 amending all claims drawn to the elected invention to only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because of the following reason.

As presented in Paper #6, a claim reciting limitations (1) brightness data separation means and (2) means for correcting both the brightness and color data belongs to Invention II, Species 1 that corresponds to Fig. 9 to correct both the brightness data and the color data with the gradation process. Claims 1 and 16 as presented in the amendment filed on 12/9/2003 change all the claims to be drawn to the non-elected invention of Invention II, Species 1. For example, the amended Claim 1 becomes the original Claim 31. This is a shift of election for prosecution.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Wenpeng Chen  
Primary Examiner  
Art Unit: 2624